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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,448	06/24/2003	Dave Anderson	60027.0196US01/BS# 030094	4385

23552 · 7590 12/27/2006	**EXAMINER**	
MERCHANT & GOULD PC	NEWAY, SAMUEL G	
P.O. BOX 2903		
· MINNEAPOLIS, MN 55402-0903	ART UNIT	PAPER NUMBER
	2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/603,448	ANDERSON ET AL.
	Examiner	Art Unit	
	Samuel G. Neway	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 June 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 June 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/03/03</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the Application filed on 06 June 2003.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 3 recites the limitation "the voiced call" in the first line. There is insufficient

antecedent basis for this limitation in the claim. The Examiner will interpret "the voiced

call" as being "the verbal scheduling request", recited in claim 1, for the prosecution of

the Application.

4.   Claim 4 recites the limitation "the voiced call" in the first line. There is insufficient

antecedent basis for this limitation in the claim. The Examiner will interpret "the voiced

call" as being "the verbal scheduling request", recited in claim 1, for the prosecution of

the Application.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

6.   Claims 1 –12, 15 – 22, 28 – 41, and 43 – 45 are rejected under 35 U.S.C. 102(b)

as being anticipated by Mozayeny (USPGPub 2002/0035493).

Claim 1:

Mozayeny discloses a method of assisting scheduling with automation,

comprising:

receiving a verbal scheduling request from a customer at a voice services node

("100 may request to schedule a appointment, or make a reservation", [0060], FIG. 3,

and related text. Note that the scheduling request may be communicated via the IVR

(Interactive Voice Response) system. [0063]);

formulating a query to a schedule database based on the received verbal

scheduling request to determine whether the request is compatible with a current

schedule of the schedule database ("query whether the requested appointment or

reservation time is acceptable based on the record ", [0060], FIG. 3, and related text);

when the request is compatible with the current schedule, altering the current

schedule of the schedule database based on the scheduling request ("automatically

scheduling the appointment if the request is for an available time based on the

availability information, and automatically updating the appointment availability

information", Abstract, FIG. 3, and related text);

and generating a notification signal of the alteration to the current schedule ("if

appointment or reservation time is acceptable ... notification may be sent ", [0060], FIG.

3).

Claim 2:

Mozayeny discloses the method of claim 1, further comprising interpreting the verbal schedule request to produce request data that is included in the query ("Nuance software may be used for intelligent voice recognition ", [0041]).

Claim 3:

Mozayeny discloses the method of claim 2, wherein the voiced call is a voice-over-IP call ("communication path 202 used ... may be ... a public network including the Internet and the Web", [0037], FIG. 2).

Claim 4:

Mozayeny discloses the method of claim 1, wherein the voiced call is received over a public switched telephone network ("communication path 202 used ... may be ... a telephone network", [0037], FIG. 2).

Claim 5:

Mozayeny discloses the method of claim 1, wherein receiving a scheduling request signal comprises receiving a wireless data transmission from a wireless device in use by the customer ("communications may be accomplished using ... cellular phone", [0037]) and extracting request data from the verbal scheduling request of the wireless data transmission, and wherein the request data is included in the query ("Nuance software may be used for intelligent voice recognition ", [0041]).

Claim 6:

Mozayeny discloses the method of claim 1, wherein the notification comprises a confirmation provided to the customer ("communications may be accomplished using ... cellular phone", [0037]).

Claim 7:

Mozayeny discloses the method of claim 6, wherein the confirmation is a verbal confirmation provided from a voice services node ("the first party 100 will be notified (via the Web, e-mail, or telephone or IVR)", [0060]).

Claim 8:

Mozayeny discloses the method of claim 7, wherein the confirmation is an email provided to the customer over the Internet in addition to the verbal confirmation ("the first party 100 will be notified (via the Web, e-mail, or telephone or IVR)", [0060]).

Claim 9:

Mozayeny discloses the method of claim 7, wherein the confirmation is a wireless data message provided to a wireless device of the customer in addition to the verbal confirmation ("communications may be accomplished using ... cellular phone", [0037]).

Claim 10:

Mozayeny discloses the method of claim 1, wherein the notification comprises a confirmation provided to the schedule owner ("notification may be sent to the parties 100, 104", [0060], FIG. 3).

Claim 11:

Mozayeny discloses the method of claim 10, wherein the confirmation is a web site displaying the current schedule ("the first party 100 will be notified (via the Web, e-mail, or telephone or IVR)", [0060]).

Claim 12:

Mozayeny discloses the method of claim 10, wherein the confirmation is a wireless data message provided to a wireless device of the schedule owner ("communications may be accomplished using ... cellular phone", [0037]).

Claim 15:

Mozayeny discloses the method of claim 1, wherein the notification signal comprises a confirmation provided to the customer by providing a verbal notice from a voice services node and by providing an electronically delivered non-verbal message ("the first party 100 will be notified (via the Web, e-mail, or telephone or IVR)", [0060]).

Claim 16:

Mozayeny discloses the method of claim 1, further comprising: receiving a scheduling update signal from a schedule owner at a node of the communications network, the scheduling update signal providing an indication of availability for the current schedule stored in the schedule database ("104 may submit new information or an update to existing information", [0048]); and formulating a command to the schedule database based on the received scheduling update signal to update the availability, wherein the update to the current schedule is considered when determining whether the request is compatible ("information ... may be downloaded to the database 108 so that the database 108 has current information", [0048]).

Claim 17:

Mozayeny discloses the method of claim 16, wherein the indication of availability specifies capacity ("cancellations or delays of scheduled appointments or reservations may be automatically communicated", [0037]).

Claim 18:

Mozayeny discloses the method of claim 16, wherein the indication of availability

specifies an accepted schedule request decreasing remaining capacity (""information ...

may be downloaded to the database 108 so that the database 108 has current

information", [0048]).

Claim 19:

Claim 19 is similar in scope and content to claim 1; therefore claim 19 is rejected

under the same rationale as claim 1.

Claim 20:

Mozayeny discloses the method of claim 19, further comprising providing a set

of verbal questions for a schedule request from the voice services node to the

customer, wherein the set of verbal questions includes a question about a business

name of interest to the customer.

Claim 21:

Mozayeny discloses the method of claim 19, further comprising providing a set of

verbal questions for a schedule request from the voice services node to the customer,

wherein the set of verbal questions includes a question about a date and time of day to

schedule ("the passenger has selected the airline", [0151]).

Claim 22:

Mozayeny discloses the method of claim 19, further comprising providing a set of

verbal questions for a schedule request from the voice services node to the customer,

wherein the set of verbal questions includes questions about customer preferences

("the passenger has selected the ... flight", [0151]).

Claim 28:

Mozayeny discloses the method of claim 19, further comprising: generating

confirmation data; converting the confirmation data to a verbal confirmation; and

providing the verbal confirmation from the voice services node to the customer ("the first

party 100 will be notified (via the Web, e-mail, or telephone or IVR)", [0060]).

Claims 29 – 37:

Claims 29 – 37 are similar in scope and content to claims 1 – 9; therefore claims

29 – 37 are rejected under the same rationale as claims 1 – 9.

Claims 38 – 41:

Claims 38 – 41 are similar in scope and content to claims 19 – 21; therefore

claims 29 – 37 are rejected under the same rationale as claims 19 – 21.

Claim 43:

Claim 43 is similar in scope and content to claim 7; therefore claims 43 is

rejected under the same rationale as claim 7.

Claim 44:

Mozayeny discloses a system of assisting scheduling with automation,

comprising:

receiving a verbal scheduling request from a customer at a voice services node

("100 may request to schedule a appointment, or make a reservation", [0060], FIG. 3,

and related text. Note that the scheduling request may be communicated via the IVR

(Interactive Voice Response) system, [0063]);

formulating a query to a schedule database based on the received verbal

scheduling request wherein the schedule database maintains a current schedule for

multiple businesses and the query is formulated to determine which of the multiple

businesses have a current schedule compatible with the scheduling request ("server

200 may search through the MLS ", [0109], FIG. 9, and related text); and generating a

first notification of the result of the query to provide an indication to the customer of

which businesses have a current schedule that is compatible with the schedule request

("query whether the requested appointment or reservation time is acceptable based on

the record ", [0060], FIG. 3, and related text);

Claim 45:

Claim 45 is similar in scope and content to claim 1; therefore claims 45 is

rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 13 – 14, 23 – 27, and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mozayeny in view of Dutta et al. (USPGPub 2003/0004772).

Claims 13, 14:

Mozayeny discloses the method of claim 1, wherein formulating a query

comprises accessing a profile for the customer from a profile database to determine

preferences for the customer ("potential first parties 100 may be profiled ...", [0079]), but

Mozayeny does not explicitly disclose including the preferences in the query to

determine whether the request is compatible·with the current schedule.

Dutta discloses a similar reservation method where a customer's preferences

(requirements) are included in the query to determine whether the request is compatible

with the current schedule ("these requirements are the conditions under which the

potential user wants to be notified ...", [0030]).

Therefore, it would have been obvious to one with ordinary skill in the art at the

time the invention was made to incorporate a customer's preferences in Mozayeny's

scheduling method in order to avoid scheduling that is not acceptable by the customer

(Dutta, "one of these requirements could be notification time, in which the user is not

interested in the reservation, if the notification occurred within a certain time of the

reservation", [0030]).

Claims 23, 24, 42:

Claims 23, 24 and 42 are similar in scope and content to claims 13 and 14;

therefore claims 23, 24 and 42 are rejected under the same rationale as claim 7.

Claims 25, 26:

Mozayeny and Dutta disclose the method of claim 24, Mozayeny further

discloses wherein the customer places a voiced call to the voice services node, wherein

storing the preference data comprises mapping an identifier of the voiced call from the

customer to the location of the customer profile data containing the stored preference

data, and wherein accessing the profile database comprises upon subsequent voiced

calls having the electronic identifier to the voice services node, accessing the

preference data for the customer based on the identifier ([0151], Fig. 3 and related text).

Claim 27:

Mozayeny and Dutta disclose the method of claim 24, Mozayeny further

discloses wherein a verbal answer is a business name (airline) and wherein the

preferences are stored according to business name data interpreted from the verbal

answer, the method further comprising upon subsequent voiced calls between the voice

services node and the customer, receiving a business name as a verbal answer from

the customer, interpreting the verbal answer to produce business name data, and

accessing the preferences for the business name data ([0151], Fig. 3 and related text).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Demsky et al. (USPGPub 2004/0078255) discloses a method of scheduling

meetings within a calendaring system.

10.   Any inquiry concerning this communication or earlier communications from the

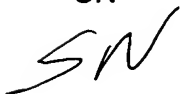examiner should be directed to Samuel G. Neway whose telephone number is 571-270-

1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM
EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

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